Letter to the Editor

George Costello's excellent review of Gerald Posner's *Case Closed* (41 FED. BAR NEWS & J. 233 (Mar./Apr. 1994)) brought to mind unsettling experiences I've had exploring Posner's work. Posner mentioned, in support of his contention that James Tague was hit by a fragment from the first of three shots, that Tague reported in a 1992 interview that he did not know which of the three shots hit him.[1] As recently noted by Harold Weisberg in his new book, *Case Open*,[2] however, Tague told the Warren Commission that he was *not* hit by a fragment from the first shot. I called Tague on April 30, 1994, and he told me the same thing he told the Warren Commission. Thus, Tague not only flatly contradicts Posner's reconstruction of the shooting, he reveals that Posner misrepresented Tague's views, which have been consistent over three decades. Moreover, Tague also told me that he has never spoken with Posner, though the implication of three references in *Case Closed* is that Posner did speak with him on two successive days.[3]

Posner dismissed Rose Cheramie's remarkable clairvoyance that President Kennedy was to be killed in Dallas by claiming that the witness to Cheramie's statements, Dr. Victor Weiss, reported that Cheramie only mentioned this after Oswald's death. This is flatly untrue, which Posner must know from the work of the 1978 House Select Committee on Assassinations (HSCA) which reported that, according to Dr. Weiss, "Dr. Bowers allegedly told Weiss that the patient, Rose Cheramie, had stated *before the assassination* that President Kennedy was going to be killed. . . ."[4] Moreover, Posner certainly knowingly neglected to mention another unassailable, HSCA-cited witness, Louisiana state police lieutenant Francis Fruge. He reported Cheramie made the prediction directly to him two days before Kennedy's murder.[5]

Posner cited the testimony of Renatus Hartogs, the psychiatrist who examined Oswald as a teenage truant, arguing that Hartogs' findings suggested a violent potential.[6] The Warren Commission dismissed Hartogs' testimony when an examination of his original report revealed the opposite conclusion. In fact, the commission concluded, "Contrary to reports that appeared after the assassination, the psychiatric examination did not indicate that Lee Oswald was a potential assassin, potentially dangerous, that his 'outlook on life had strongly paranoid overtones,' or that he should be institutionalized."[7]

On November 17, 1993, before the House Committee on Government Operations, Posner reported that he had interviewed two of Kennedy's pathologists, James Humes, M.D., and J. Thornton Boswell, M.D.[8] Posner testified that they confirmed to him that they had changed their minds about the original location they had given for Kennedy's skull wound. In their 1963 autopsy report,[9] and again in 1992 interviews published the *Journal of American Medical Association* (JAMA), both pathologists claimed the bullet entered Kennedy's skull "to the right and just above" the base of the rear of the skull, near the external occipital protuberance.[10] Posner informed the U.S. Congress that the pathologists told him that they had erred—the wound was 10 centimeters higher, at the top rear of the skull. On March 30, 1994, I called both Drs. Humes and Boswell. Both physicians told me that they had not changed their minds about Kennedy's wounds at all. They stood by their statements in JAMA, which contradict Posner. Startlingly, Dr. Boswell told me that he has never spoken with Posner.

While one is naturally loath to question the good faith of any author, especially one nominated for the Pulitzer Prize, Posner seems to be begging even Warren Commission loyalists to question his. ❑

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ENDNOTES

[1] GERALD POSNER, CASE CLOSED 325 (1993)

[2] HAROLD WEISBERG, CASE OPEN 159 (1994)

[3] POSNER, *supra* note 1, at 553 nn.31-33.

[4] REPORT OF THE HOUSE SELECT COMMITTEE ON ASSASSINATIONS, V.10 at 200-201 (1978) (emphasis added).

[5] *Id.* at 201-202.

[6] POSNER, *supra* note 1, at 12-13.

[7] U.S. GOVERNMENT PRINTING OFFICE, REPORT OF THE PRESIDENT'S COMMISSION ON THE ASSASSINATION OF PRESIDENT JOHN F. KENNEDY 379 (1964) [hereinafter WARREN REPORT].

[8] U.S. GOVERNMENT PRINTING OFFICE, HEARING BEFORE THE LEGISLATION AND NATIONAL SECURITY SUBCOMMITTEE OF THE COMMITTEE ON GOVERNMENT OPERATIONS, HOUSE OF REPRESENTATIVES, ONE HUNDRED THIRD CONGRESS, FIRST SESSION, NOVEMBER 17, 1993, 112-13 (1994).

[9] WARREN REPORT, *supra* note 7; HEARING, *id.* at 110.

[10] D.L. Brod, *JFK's Death: The Plain Truth from the MD's Who Did the Autopsy*, 267 JAMA 2797 (1992).